

*Transfer State Lab from DPH to State Police*

SECTION 8. (A) Chapter 22C of the General Laws is hereby amended by striking out section 39 and inserting in place thereof the following 3 sections:

Section 39. (a) The department or the University of Massachusetts medical school shall make, free of charge, a chemical analysis of any narcotic drug, or any synthetic substitute for the same, or any preparation containing the same, or any salt or compound thereof, and of any poison, drug, medicine or chemical, when submitted to it by police authorities, as the department shall approve for this purpose, if the department is satisfied that the analysis is to be used for the enforcement of law.

(b) A certificate by a chemist or analyst or other designated employee of the department or of the University of Massachusetts medical school of the result of the chemist's or analyst's or other designated employee's analysis, signed and sworn to by that chemist or analyst or other designated employee, shall be *prima facie* evidence of the composition, quality and, when appropriate, net weight of the substance or any mixture containing the substance.

(c) A signed certificate of drug analysis furnished by an analyst, assistant analyst or other designated employee of the Drug Enforcement Administration of the United States Department of Justice, which conforms with the requirements of this section, shall be *prima facie* evidence of the composition, quality, and when appropriate, the net weight of the substance or any mixture containing the substance.

Section 39A. The department shall analyze, in accordance with sections 36 to 39, inclusive, of chapter 138, all samples of alcoholic beverages, as defined in section 1 of chapter 138, submitted to it for that purpose by the officers mentioned in said section 36 if satisfied that the analysis is to be used in enforcing the laws.

Section 39B. The director of the crime laboratory within the department of state police shall establish procedural rules and policies governing the testing and analysis of drug samples and a quality assurance program, which shall include proficiency standards for laboratories and analysts responsible for performing drug testing and analysis. The procedural rules and quality assurance program shall be compatible with the laboratory's accreditation procedural rules and shall establish compatible laboratory techniques, laboratory equipment, supplies, computer software and acceptance criteria for laboratory accreditation.

(B) Section 47A of chapter 94C, as appearing in the 2010 Official Edition is hereby amended by striking out, in line 10, the words "the department of public health or".

(C) Said section 47A of said chapter 94C, as so appearing, is hereby further amended by striking out, in lines 37 and 38, the words "or by an analyst of the department of public health".

(D) Said section 47A of said chapter 94C, as so appearing, is hereby further amended by inserting after the

word "department", in lines 45, 53 and 54, 60 and 74, the following words:- of state police .

(E) Said section 47A of said chapter 94C, as so appearing, is hereby further amended by striking out the seventh paragraph.

(F) Sections 11, 12 and 13 of chapter 111 of the General Laws are hereby repealed.

(G) Section 36 of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 2, the words "public health" and inserting in place thereof the following words:- state police .

(H) Section 37 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 2 and 9, the words "public health" and inserting in place thereof in each instance the following words:- state police.

(I) Section 38 of said chapter 138, as so appearing, is hereby amended by striking out, in line 3, the words "public health" and inserting in place thereof the following words:- state police .

(J) (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of certain employees, proceedings, rules and regulations, property and legal obligations of the department of public health, as the transferor agency, to the department of state police, as the transferee agency, as follows.

(b) Subject to appropriation and chapter 22C of the General Laws, the employees of the laboratories of the department of public health that analyze illicit and seized drugs for law enforcement purposes, including those employees who immediately before the effective date of this act held permanent appointment in positions classified under chapter 31 of the General Laws or were granted tenure in their positions as provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held confidential positions, are hereby transferred to the department of state police, without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation or benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment in that agreement shall continue as if the employees had not been so transferred. The transfer shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either held a permanent appointment in a position classified under chapter 31 of the General Laws or was granted tenure in a position pursuant to section 9A of chapter 30 of the General Laws.

Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain under chapter 150E of the General Laws and shall be considered employees of

the department of state police for the purposes of said chapter 150E.

Nothing in this section shall confer upon any employee any right not held immediately before the date of the transfer, or prohibit any reduction of salary grade, transfer, reassignment, suspension discharge layoff or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before the laboratories of the department of public health that analyze illicit and seized drugs for law enforcement purposes board or duly begun by the laboratories and pending before them prior to the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the department of state police.

(d) All orders, rules and regulations duly made and all approvals duly granted by the laboratories of the department of public health that analyze illicit and seized drugs for law enforcement purposes, which were in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the department of state police or the department of public health.

(e) Books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act were in the custody of the laboratories of the department of public health that analyze illicit and seized drugs for law enforcement purposes, shall be transferred to the department of state police, to the extent agreed by both departments.

(f) All duly existing contracts, leases and obligations of the laboratories of the department of public health entered into to enable the analysis of illicit and seized drugs for law enforcement purposes shall continue in effect, but shall be assumed by the department of state police. No existing right or remedy of any character shall be lost, impaired or affected by this act.

(g) All references in any general or special law, regulation, contract, or other document to the laboratories of the department of public health that analyze illicit and seized drugs for law enforcement purposes or to a principal officer thereof shall be taken to refer to the department of state police or to a principal officer of that department.

*Summary:*

This section transfers the state laboratory that tests illegal drugs from the Department of Public Health to the State Police.